

REMARKS

Claims 1-75 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 121

The Office Action requires a restriction to one of the following sets of claims:

- I. Claims 1-16 and 33-47;
- II. Claims 17-29;
- III. Claims 30-32;
- IV. Claims 33-47;
- V. Claims 48-62;
- VI. Claims 63-74.

In response to the Restriction Requirement, Applicant provisionally elects invention I, claims 1-16 and 33-47, with traverse.

Applicants respectfully traverse the current restriction of groups III, IV and V from group I. Applicant notes that Examiner describes inventions as "not patentably distinct" on page 3, paragraph 4, then later states on page 3 of the Office action:

Should Applicants choose invention I, invention III will also be examined. Should Applicant choose invention IV, invention I will also be examined. Should Applicant choose invention I, invention IV will also be examined.

However, this statement contradicts other statements made by Examiner in the Office action, also on page 3, paragraph 5:

Because the inventions are distinct for the reasons given above...and because the search for group I is not required for group III, restriction for examination is proper.

Applicant respectfully requests that inventions I and III be examined together as not creating an undue burden on Examiner if the two inventions are examined together. MPEP 803 states, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct

inventions." Applicant makes no admissions about whether the groups are patentably distinct, as characterized by Examiner.

Applicant also notes that Examiner states on page 3, paragraph 6 of the Office action that if Applicants choose invention I, invention IV will also be examined. Examiner mentions again the opinion that the two groups are not patentably distinct. Applicant's make no admissions that the inventions are not patentably distinct, and asks that the two groups be examined together because there would be no serious burden on Examiner if the two groups are examined together.

Finally, Applicant respectfully traverses the restriction of group V from group I. Applicant finds nowhere in the Office action justification for the restriction addressing the differences between groups I and V. Applicant does note that Examiner states at page 7 of the Office action that should Applicant's elect invention IV, invention V will also be examined. Again, Applicants make no admissions as to whether the inventions of these groups are patentably distinct, but request that they be examined together because no serious burden would be placed on Examiner if they are examined together.

Applicants therefore respectfully request that groups I, III, IV, and V be examined in the present application.

II. Number of Claims

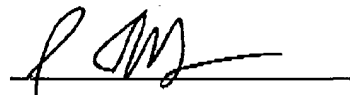
Applicant respectfully submits that the present application includes 75 claims, not 74 as indicated in the current restriction requirement. Though Applicant suspects that claim 75 was intended by Examiner to be included in Group VI, along with claims 63-74, Applicant has not withdrawn this claim since it was not officially addressed in the restriction requirement. Therefore Applicant respectfully submits that the current response is fully responsive.

III. Conclusion

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 5.20.04

Respectfully submitted,



Patrick C. R. Holmes
Reg. No. 46,380
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 367-2001
Attorney for Applicants